

MICHAEL P. HEALY, #4777-0
1188 Bishop Street, Suite 3304
Honolulu, HI 96813
Telephone: (808) 525-8584
Facsimile: (808) 376-8695
E-mail: honolululawyer@outlook.com

CHARLES H. BROWER, #1980-0
900 Fort Street, Suite 1210
Honolulu, HI 96813
Telephone: (808) 526-2688
Facsimile: (808) 526-0307
E-Mail: honolululaw808@gmail.com

Attorneys for Plaintiff
Chantel A. Calma

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CHANTEL A. CALMA,)	CIVIL NO. _____
)	
Plaintiff,)	COMPLAINT; JURY
)	DEMAND; SUMMONS
vs.)	
)	
UNITED AIRLINES, INC.,)	
)	
Defendant.)	
_____)	

COMPLAINT

COMES NOW, Plaintiff CHANTEL A. CALMA, by and through her attorneys
Charles H. Brower and Michael P. Healy, and for cause of action against Defendant,
alleges and avers as follows:

STATUS OF THE PARTIES

1. Plaintiff CHANTEL A. CALMA (hereinafter “CALMA”) is and was at all times mentioned herein a resident of Honolulu, Hawaii.

2. Defendant UNITED AIRLINES, INC., (hereinafter “UNITED”) is and was at all times mentioned herein a foreign profit corporation incorporated in the State of Delaware, with a principal place of business in Honolulu, Hawaii.

NATURE OF THE CASE

3. Plaintiff was hired by Defendant UNITED on March 16, 2018, as a Food Services Agent.

4. Plaintiff was terminated from her position with Defendant UNITED on May 10, 2018, due to discrimination based upon her being pregnant.

JURISDICTION

5. The jurisdiction of this Court is pursuant to Title VII of the Civil Rights Act of 1964, as amended.

6. The administrative prerequisites for filing this cause of action have been fulfilled. On October 2, 2018, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (EEOC) for sex discrimination. A Dismissal and Notice of Rights was issued by the EEOC on October 7, 2021. This action is being filed pursuant to that Dismissal and Notice of Rights.

STATEMENT OF FACTS

7. Plaintiff was hired by Defendant UNITED on March 16, 2018, as a Food Service Agent.

8. On April 17, 2018, Plaintiff notified her management supervisor that she was pregnant with an expected due date of November 28, 2018. Plaintiff had learned she was pregnant on April 6, 2018.

9. Plaintiff provided her Department Manager with a doctor's note which stated she was pregnant and had a lifting restriction of no more than 25 pounds for lifting, pulling, or pushing. Plaintiff could perform her job duties because she only actually had to lift only up to 15 pounds to perform her duties.

10. The Department Manager told Plaintiff that she would speak to the Human Resources Manager about the situation.

11. On April 21, 2018, Plaintiff was given a co-worker to assist her if she had to lift more than 25 pounds.

12. That same day, on April 21, 2018, Plaintiff received a voicemail from the Department Manager that she did not need to come to work until further notice.

13. On April 28, 2018, the Department Manager called Plaintiff and told her that she would not be working until further notice.

14. On May 9, 2018, Plaintiff called the Human Resources Manager about returning to work. On May 10, 2018, the Human Resources Manager called and told Plaintiff there was no work for Plaintiff because she was pregnant. Plaintiff had no further contact from Defendant's management about returning to work until after Defendant was served with her Charge of Discrimination on October 5, 2018.

15. Prior to termination of employment with Defendant UNITED, Plaintiff was a dedicated employee in good standing with Defendant, and was able to and performed her work satisfactorily.

16. Plaintiff was terminated from her employment due to her pregnancy.

STATEMENT OF CLAIMS

COUNT I - SEX DISCRIMINATION

17. Plaintiff repeats and re-alleges all prior allegations as if fully set forth herein.

18. Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination and termination due to sex, including pregnancy of a woman.

19. The aforesaid acts and/or conduct of Defendant constitutes discrimination as they were acts and/or failure to act by Defendant and its employees in direct violation of Title of the Civil Rights Act of 1964, as amended.

20. Plaintiff has suffered, as a direct and proximate result of the aforesaid conduct, damages by way of loss of earnings and earning capacity, loss of fringe and pension benefits, and other benefits due her.

21. As a further direct and proximate result of said unlawful conduct, Plaintiff has suffered the indignity of harassment, the invasion of her right to be free from unlawful employment practices, and great humiliation, which is manifest in emotional distress.

22. As a further direct and proximate result of said unlawful employment practices, Plaintiff has suffered mental anguish, outrage, depression, severe anxiety about her future and her ability to support herself, harm to her employability and earning capacity as well as loss of a career advancement opportunity, painful embarrassment among her friends and co-workers, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of everyday life for which she is entitled to an award of general damages.

23. The actions of Defendant and its employees as described above are oppressive, outrageous, and otherwise characterized by aggravating circumstances sufficient to justify the imposition of punitive damages.

WHEREFORE, upon a hearing hereof Plaintiff prays that judgment be entered on all Counts:

- A. For reinstatement to employment with Defendant UNITED with full benefits; and
- B. For all damages to which Plaintiff is entitled, including general damages and other damages to be proven at trial; and
- C. For special damages, including back pay, front pay and other expenses; and
- D. For damages for intentional infliction of emotional distress; and
- E. For punitive damages; and
- F. For attorney's fees, costs, and interest, including prejudgment interest; and
- G. For such other and further relief as is appropriate.

DATED: Honolulu, Hawaii, January 5, 2022.

/s/ Charles H. Brower
CHARLES H. BROWER
MICHAEL P. HEALY
Attorneys for Plaintiff
Chantel A. Calma